



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 7

Swabey Ogilvy Renault
Suite 1600
1981 McGill College Avenue
Montreal QC H3A 2Y3 CA CANADA

In re Application of :
Dennis G. Hall :
Application No. 09/943,465 :
Filed: August 31, 2001 :
Attorney Docket No. P287-USa1 :

COPY MAILED
JUL 17 2002
AIRMAIL
OFFICE OF PETITIONS

This is in response to the "Petition to Establish Prior Receipt in the PTO of Item(s) Considered as Omitted by the PTO--Response to Notice to File Missing Parts Noting Omitted Items" filed December 18, 2001.

The above-identified application was submitted on August 31, 2001. On January 15, 2001, the Office of Initial Patent Examination mailed a "Notice of Missing Parts of Nonprovisional Application" (the "Notice"), stating that, among other items, Figure 22 and Figure 24 of the drawings as described in the specification appeared to have been omitted.

In response, on December 18, 2001, petitioner filed the instant petition, a declaration under 37 CFR 1.63, a copy of the Office date-stamped postcard receipt evidencing receipt of fourteen (14) sheets of drawings, and a subsequently mailed copy of the postcard receipt wherein the Office indicated that only thirteen sheets of drawings were received.

Upon review of the record, Figure 22 and Figure 24, filed August 31, 2001, have not been located among the application papers. However, the evidence is convincing that Figure 22 and Figure 24 among the application papers filed August 31, 2001, and were subsequently misplaced by the Office. The application is considered complete on the date the items required by the Notice were received. The application is, therefore, entitled to retain the currently accorded filing date of August 31, 2001.

Accordingly, the petition is granted.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 31, 2001, using Figures 22 and Figure 23 filed December 18, 2001.

Any inquiries related to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (703)305-0010

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy